

**BEFORE THE MINNESOTA  
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of  
Linda J. Fliss, LMFT  
License No. 1831

**STIPULATION AND CONSENT ORDER  
FOR VOLUNTARY SURRENDER**

IT IS HEREBY STIPULATED AND AGREED by Linda J. Fliss, LMFT ("Licensee"), and the Minnesota Board of Marriage and Family Therapy ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which she holds a license to practice marriage and family therapy in the State of Minnesota.

**FACTS**

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Between June 30, 2009 and April 28, 2011, Licensee provided professional therapeutic services to Client #1 over the course of 96 individual sessions.

b. In March 2011, during the professional relationship, Licensee and Client #1 engaged in a personal, emotional, and sexual relationship.

c. Licensee asserted that Client #1 "assaulted" her, which began the personal relationship, and that Client #1 subsequently "blackmailed" Licensee into continuing the relationship. The Board takes no position as to the veracity of Licensee's assertions.

**REGULATIONS**

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board and constitutes a reasonable basis in law

and fact to justify the disciplinary action provided for in this Stipulation and Consent Order. Licensee agrees that the conduct cited above constitutes the following violations:

- a. Engaging in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public, in violation of Minn. Stat. § 148B.37, subd. 1(1);
- b. Violating a provision of sections 148B.29 to 148B.39 or one or more of the rules of the Board, in violation of Minn. Stat. § 148B.37, subd. 1(3);
- c. Engaging in unprofessional or unethical conduct, in violation of the Board's Code of Ethics, pursuant to Minn. R. 5300.0350;
- d. Failing to act in accordance with the highest standards of professional integrity and competence, in violation of Minn. R. 5300.0350, subp. 4;
- e. Failing to recognize that there are other professional, technical, and administrative resources available to clients, and failing to make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services, in violation of Minn. R. 5300.0350, subp. 4.F.;
- f. Engaging in unprofessional conduct, that is, violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest, in violation of Minn. R. 5300.0350, subp. 4.S.;
- g. Failing to recognize the potentially influential position the therapist may have with respect to clients, and failing to avoid exploiting the trust and dependency of clients, in violation of Minn. R. 5300.0350, subp. 5.B.;

h. Failing to make every effort to avoid dual relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation, in violation of Minn. R. 5300.0350, subp. 5.B.;

i. Engaging in sexual contact or other physical intimacies with a client, in violation of Minn. R. 5300.0350, subp. 5.E.;

j. Engaging in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client, in violation of Minn. R. 5300.0350, subp. 5.F.;

k. Exploiting the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit, in violation of Minn. R. 5300.0350, subp. 5.G.;

l. Using any confidence of a client to the client's disadvantage, in violation of Minn. R. 5300.0350, subp. 5.H.; and

m. Providing services to a client when the therapist's objectivity or effectiveness was impaired, in violation of Minn. R. 5300.0350, subp. 5.J.

#### **REMEDY**

4. Upon this stipulation and all the files, records, and proceedings herein, and without further notice or hearing, the Board enters an order as follows:

a. The Board accepts Licensee's **VOLUNTARY SURRENDER** of her license to practice marriage and family therapy. All state licenses and certificates shall be returned to the Board within ten (10) days of service of this Order.

b. Effective immediately, Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold herself out as authorized to practice marriage and family therapy in Minnesota and shall not use the credentials LMFT or titles of marriage and family

therapist, marriage and family counselor, professional therapist, professional counselor, or any other designation which indicates licensure as a licensed marriage and family therapist.

5. In the event the Board at its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

6. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

7. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee is represented by Peter Van Bergen, Esq., Cousineau McGuire Chartered. The Complaint Panel is represented by Benjamin R. Garbe, Assistant Attorney General.

8. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

9. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized

against Licensee's license to practice as a licensed marriage and family therapist under this stipulation.

10. Licensee hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board.

11. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

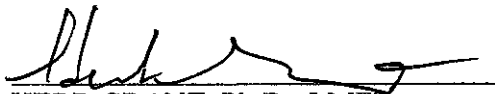
12. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

13. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

**LICENSEE**

**FOR THE COMPLAINT PANEL**

  
LINDA J. FLISS, LMFT

  
HERB GRANT, Ph.D., LMFT

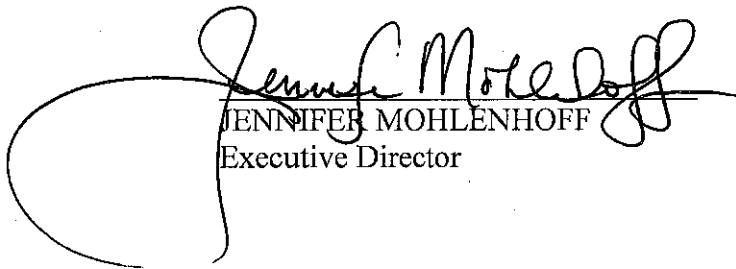
Dated: 3/29/13

Dated: 5-9-13

## ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that the Board accepts Licensee's VOLUNTARY SURRENDER of  
her license to practice marriage and family therapy and that all other terms of this stipulation are  
adopted and implemented by the Board this 17 day of May, 2013.

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY

  
JENNIFER MOHLENHOFF  
Executive Director